Members

Task Force To Study Legal Disputes Involving the Care and Custody of Minor Children

Connecticut Legislature

c/o Legislative Judiciary Committee Office

Legislative Office Building/Office 2500

Hartford, CT 06106

November 6, 2013

Dear Task Force Members:

Like many other parents whose custody rights have been severed through the efforts by those who have been appointed by the courts as AMC's, GAL's and court appointed court evaluators, we hold hopes that the "invited" testimonial you have permitted to be provided to date by Attorney Sally Stark Oldham will not be given inordinate weight in the early deliberations of recommendations to be made by this task force.

The focus on the November 7 hearing is to be centered on the role of AMC's in the custody evaluation process.

I submit this letter as a matter of public record to be posted as testimony.

We witnessed last week testimony from Attorney Sally Stark Oldham on the manner in which these GAL appointments have been ordered. Attorney Oldham provided one person's assessment that generally most GAL assignments do not result in "economically" devastating fees.

In addressing the issue of these court appointed "experts", Attorney Oldham made no mention that a judge first looks at the financial affidavits of the parents to determine the "affordability" of these appointments and that the attorneys are allowed access to that financial information.

Attorney Oldham made no mention of retainers and per hour fee schedules which the court orders the parties to pay, and sign contracts to pay, as an accumulated

amount. Attorney Oldham made no references to the statutory authority of the court to order the liquidation of “retirement funds”, “college education funding” or the tax consequences of these ordered liquidations to the parents.

Attorney Oldham made no reference to the difference between a post judgment orders or pre-judgment orders for these appointments and the impact on the potential liquidation of the primary home of the children in order to pay these ordered fees.

At no point in time did the task force ask a question about whether GAL’s advocates for joint legal and physical custody—one of the three assessment prongs of this task force’s legislative mission.

Many of us have been watching the coverage of the hearings of this task force on CT-N either live on our local cable channel or on the internet replay.

We would encourage the task force hearings to continue to be cablecast as a matter of public interest.

This letter provides a specific recounting of my case in Stamford, FST FA 04 0201276S and the abuse of the limited statutory authority of an appointed AMC, Attorney Veronica Reich of firm of Bai, Pollock, Blueweiss and Mulcahey.

C.G.S. §46 (b)-129a(2) defines the role of the attorney for the minor child (AMC):

“The primary role of any counsel for the child including the counsel who also serves as guardian ad litem, shall be to advocate for the child in accordance with the Rules of Professional Conduct. When a conflict arises between the child’s wishes or position and that which the counsel for the child believes is in the best interest of the child, the court shall appoint a guardian ad litem for the child. The guardian ad litem shall speak on behalf of the best interest of the child and is not required to be an attorney-at-law but shall be knowledgeable about the needs and protection of children. In the event that a separate guardian ad litem is appointed, the person previously serving as both counsel and guardian ad litem for the child shall continue to serve as counsel for the child and a different person shall be appointed as guardian ad litem, unless the court for good cause also appoints a different person as counsel for the child. No person who has serve as both counsel and guardian ad litem for a child shall thereafter serve solely as the child’s guardian ad litem.

In re: Tayquon H. 76 App. 693, 821 A. 796 (2003), the Appellate Court stated:

“It also is clear…that the obligation of the person appointed as counsel is shaped by the Rules of Professional Conduct, which in pertinent part, obligate counsel to abide by a client’s decisions concerning the objectives of representations…It is when counsel

perceives that this obligation is in conflict with the child's best interest that counsel must bring that to the courts' attention, and the court, in turn, must appoint a separate guardian ad litem to protect and to promote the child's best interests in the process."

C.G.S. 46b-56a(b), modified in 2007 states:

"There shall be a presumption, affecting the burden of proof, that joint custody is in the best interests of the minor child where the parents have agreed to an award of joint custody or so agree in open court at a hearing for the purpose of determining the custody of the minor child or children of the marriage. If the court declines to enter an order awarding joint custody pursuant to this subsection, the court shall state in its decision the reasons for denial of an award of joint custody."

From June 29, 2005 until December 2, 2009, by agreement of the parents in a shared joint legal and physical custody plan in place signed on January 18, 2005, my children had in place the equal access to the love and devotion to both of their parents.

On December 2, 2009, Attorney Veronica Reich, without authority or consultation from either of her clients, filed an Ex Parte Motion for Order to Modify Custody without a hearing—despite a statutory obligation of Attorney Reich to abide by the Rules of Professional Conduct that involves providing children with the same rights of an adult—for advised consent.

The task force needs to consider this one fact (gleaned from a Freedom of Information request made of Michael Bowler of the Statewide Grievance Committee, which is required to investigate upon sworn applications, violations of the Code of Professional Conduct):

"Despite hundreds of complaints made against court appointed attorneys who serve as AMC's over the years, there has never been a finding of lawyer misconduct by the Statewide Grievance Committee for violating the "advised consent" rules on the representation of children in custodial matters."

In my case, FST FA 02 0401276S, after she was appointed by the family court at a fee of $425.00 per hour, Attorney Veronica Reich of Bai, Pollock, Blueweiss and Mulcahey, abused the limits of her statutory authority defined in C.G.S. §46b-129a(2) with malice.

Attorney Reich, over the course of her nearly two year appointment as an AMC, without regard for the respecting the objectives of the stated representations of her clients, engaged in the "malicious neglect" of the rights of her clients to "advised consent" at ages 13 and 15.

Attorney Reich filed motions in family courts in both Stamford and Middletown, Connecticut, which violated the Rules of Professional Conduct because she pursued a course of legal action to interfere with the established joint legal and physical custody rights of one parent, without any consultation or permission from her clients.

Despite the conflicted agenda of Attorney Reich with her clients objectives of representation, it wasn't until February 2010, that Attorney Reich applied to the court for the appointment of a Guardian Ad Litem. That motion for a GAL appointment was never marked "ready" for a hearing--- which violated the provisions in the General Statutes that required her to seek such an appointment.

The billing records of Attorney Reich demonstrate she had no consultations with her clients regarding the filing of Ex Parte Motions in December 2009 and February 2011.

Attorney Reich operated with shameless disregard for the economic and emotional impact on her clients during the course of her representations and made every effort to destroy the loving and devoted relationship of this father with his two children—with no accountability for her actions.

During her two years of misrepresentations of the well-articulated objectives of representations outlined by her clients in September 2009 (which were to leave the custody arrangement in place) Attorney Reich deemed her "lawyer-client confidentiality" relationship with her clients as superordinate to the "confidant" relationship this father had with his children.

Despite the filing in September 2010 of a highly detailed 57 page attorney complaint citing a litany of violations by Attorney Reich of the Rules of Professional Conduct with the Statewide Bar Counsel, the grievance against Attorney Reich was dismissed without a panel assignment.

There has been no enforcement of the Rules of Professional Conduct by the Statewide Bar Counsel—thus promoting the abuse by AMC's such as Attorney Reich of the mandates of C.G.S. §46b-129a(2).

Attorney Reich in May 2012 sought the incarceration of me for the refusal to pay the $154,066 (80%) of outstanding fees (which included a compound interest of 10% per annum) for the misrepresentation of the informed consent of my children for profit of her firm. Because this extorted payment was made from IRA holdings (not liquid assets as Attorney Reich suggested in her pleadings), the taxes owed on the distribution of these funds totaled another $50,000 in federal and state income taxes.

I was in jail for seven days in May 2012 until the extortion of payments was completed under the threat that the court would fine me $10,000 per week if the payments were not made.

Add in the $14,500 (one half of the fees) paid previously to Attorney Reich in 2009, the nearly $12,500 (one half) of fees assessed by Dr. Robson (at $350.00 per hour) and Dr. Frank Stoll (for psychological testing) and another $7,000 (half) to the GAL, Dr. Harry Adamakos, ($275.00 per hour) appointed in March 2011, and you can begin to understand that the system of family court injustice resembles “racketeering”.

After investigating Dr. Kenneth Robson’s credentials submitted to the court in his “curriculum vitae,” it turned out that his “hospital appointments” with the Hartford Healthcare Corporation had been severed in 2004.

In addition to the above, I hired my own forensic psychiatrist, Dr. Douglas Anderson, who largely contested Dr. Robson’s assessment, for $10,000.

Attorney Oldham suggested last week at your hearings that parents were the source of the conflicts resulting in fee escalations.

No, Attorney Oldham, perhaps you should review the Connecticut Law Tribune article posted by your partner Arnold Rutkin which suggested that the very spirit of the legal profession involves “conflict”.

There would be little question, my home and entire lifetime retirement savings would have been liquidated to pay legal fees had I not chose self-representation in these post judgment modification hearings.

During the course of her representation, Attorney Reich amassed, combined fees from this one assignment, of nearly $250,000 in combined fees for both parents for herself, the court appointed psychiatrist/psychologist and the GAL.

Now the question is for this task force to consider: How did any of this advance the best interests of the children?

There has been no contact between Attorney Reich with my two children since she was “removed” at the end of the custody proceedings.

Couldn’t these funds, which were extorted from these court appointees for their unmonitored and egregious fees, have been better served in educating my two children?

Couldn’t these funds which are now in their pockets, have been better utilized in my children’s ability to fund their their children’s educations rather than court appointees who have no legal authority or involvement in children’s lives after the age of 18?

It is the failure of our legislators in the judiciary committee to have held public hearings since 1969, concerning the Connecticut Practice Book Rules, which were required by C.G.S. §51-14, which assisted in the promotion of the growth of family court system filled with corrupt practitioners.

The unlawful seizure of family assets by these court practitioners, who have no accountability for the economic and emotional harm inflicted on parents and children in the State of Connecticut is unprecedented.

The suggestion by Attorney Oldham that parents are at the root cause of these escalating legal fees is refuted by reviewing the thousands of pages of transcripts, court motions, Ex Parte Motions for Order, denial of due process and equal protection rights of just my case file FST FA 04 0201276S.

This task force needs to look no further than the third prong of your legal review to Study Legal Disputes Involving the Care and Custody of Minor Childre .

This task force needs to focus its attention on the adoption of legal mandates in the State of Connecticut for any court appointed official to forge joint legal and physical custody parenting plan in the State of Connecticut--for all parents who represent no risk of harm of from physical or emotional abuse to their children.

By adopting such a legal reform, by filing motions for an appointment of a GAL or AMC (or any sua suponte order of the court), the courts and parents will be committing themselves to joint parenting plans as the outcome favorable for our children and bring an end to GAL's and AMC's profiting from the creation of custodial conflict for profit.

I look forward to watching the task force hearings and look forward to my three minutes to testify at a public hearing in January 2014.

Cordially,

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